

REMARKS

Claims 1-46 are pending in this application. All of the pending claims are rejected. None of the claims are currently amended. Reconsideration is respectfully requested.

Claims 1-8, 10-33, and 36-46 are rejected under 35 U.S.C. 103(a) based on US 6,061,563 (Lee) in view of US 6,539,494 (Abramson). As previously pointed out by applicant, Lee and Abramson do not consider the possibility of repairing or preventing failure of the backed-up device as recited in the pending claims. Rather, both references describe migration from a failed device to a non-failed peer. In other words, the presently recited invention focuses on maintaining the failing device, whereas the cited combination abandons the failing device in favor of a new device. Lee describes how station ST1 roams from APa to APb. However, no state information from APa is sent back to APa in order to fix APa. Further, although Lee describes APb "registering" with APa so that APa learns that STA1 has moved, the procedure does not include APa being repaired or prevent from failing by use of the information, and communication between STA1 and APa is neither maintained nor re-established. With regard to Abramson, the described backup procedure does not include sending state information obtained from a server back to that same server in order to repair or prevent failure of that server. Rather, according to Abramson, the failed server's information is sent to a different server, and the failed server is abandoned. See, for example, Abramson at column 1, lines 42-54, column 2, lines 10-21, and particularly column 4, lines 31-35 which states "if connection module 30 determines at step 210 that the assigned application server 24a is not available, connection module 30 obtains a *new application server 24* (for this example, application server 24b)." (emphasis added) Note also that Abramson does not say that connection module 30 sends information back to application server 24a so that it does not fail.

The examiner asserts as a new ground for rejection at page 3 of the Office Action that “Abramson teaches a system and method for storing session information from one server to a backup server and then sent back to the same server,” citing the abstract at lines 17-23. With respect, the examiner is incorrect. Both the cited and un-cited portions of the abstract of Abramson only teach that a user’s session migrates from a first application server to a second application server via a backup server. The two full sentences in the cited portion of the abstract are:

The user’s session data is recovered from that backup server and reconstituted into a new session, with a new session ID. *If the session had previously existed on the second application server, the session ID used by the second application server and the session data for that session are used, updated with the session data from the first backup server.*<sup>1</sup>

Note how the second sentence relates to the first sentence to convey the simple proposition that (1) according to the second sentence, if the session had previously existed on the second application server then the session data for that session is *updated* with the session data from the first backup server and *used by the second application server*, and (2) according to the first sentence, if the session had *not* previously existed on the second application server then the session data from the first backup server is *used (without update) by the second application server*. Even when read out of context there is no suggestion that the user’s session data is recovered from the backup server and reconstituted into a new session with a new session ID *by the first application server* as implied by the rejection. Moreover, the detailed description of Abramson as quoted above supports applicant’s interpretation of the abstract rather than the examiner’s interpretation.

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<sup>1</sup> emphasis added

The pending claims distinguish the cited references because the backup device sends state information *back to the distinct backed-up device in order to prevent communication failure or re-establish a session*. This is recited in claim 1 as “saving first state information relating to the communication session connectivity between the terminal device and the wireless access point in a back end device, the back end device being distinct from and capable of communication with multiple access point devices, the back end device operable to contemporaneously save state information relating to multiple communication sessions associated with multiple wireless access point devices; communicating the first saved state information from the back end device back to the first wireless access point; and utilizing the first saved state information, by the first wireless access point, to facilitate communication between the terminal device and the first wireless access point.” Independent claims 10, 20, 30, 37, and 42 recite similar distinguishing limitations. In contrast, the cited combination merely suggests communicating information from a first server to a second server via a backup server.

The dependent claims further distinguish the invention and are allowable for the same reasons as their respective base claims. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Respectfully Submitted,

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/Holmes W. Anderson/  
Holmes Anderson, Reg. No. 37,272  
Attorney/Agent for Applicant(s)  
Anderson Gorecki & Manaras LLP  
33 Nagog Park  
Acton, MA 01720  
(978) 264-4001

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